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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/26/2001

Bertram Geck

2001 P 18373 US

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EXAMINER

ROSE, KERRI M

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/032,889	Applicant(s) GECK ET AL.	
	Examiner Kerri M. Rose	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-16 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11,13-16 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being anticipated by Bruno et al. (US 6,020,915) in view of Fenton et al. (US 5,619,555).

3. In regards to claim 1, Bruno discloses a virtual private communications network (VPCN) comprising:

- a. a communications server (figure 1.135; column 4 lines 47-61);
- b. a plurality of digital telephones connected to said communications server (fig. 1.101-104; col. 3 lines 46-64)
- c. at least one communications trunk connecting said communications server to a public telephone network (1.118-120 and 1.30);
- d. a remotely connected device communicating with said communications server, said remotely connected device acting as a locally connected digital telephone (1.38; column 5 lines 50-59); and
- e. a remote telephone located in the vicinity of said remotely connected device, telephonic communications being provided to and from said remote telephone in cooperation with said communications server (1.136; column 5 lines 17-23, 50-59).

Bruno does not teach the remotely connected device controls the remote telephone or a virtual digital telephone.

Fenton teaches controlling a remote telephone by a remote device in column 5 lines 4-10. The remote device issues commands to the server. Without the commands the server will do nothing and therefore it can be concluded that the remote device controls the remote telephones by commanding and controlling the actions of the server. The remote device of Fenton acts as a locally connected digital telephone. A remote device may act as a locally connected digital phone when it uses a connection, such as LAN or PSTN, to connect to a server and an interface, such as TAPI, to access features of the server. Fenton's remote device connects to the server using a LAN, PSTN or other modem connection (fig. 1.14; col. 5 lines 1-3) and uses an interface, which is analogous to TAPI to access features of the server (col. 5 lines 25-64).

It would have been obvious to one of ordinary skill in the art to control the remote telephones taught by Bruno with the GUI and remote devices taught by Fenton because the GUI provides numerous additional functions (Fenton col. 3 lines 4-36), which is desired by Bruno (col. 2 lines 20-22).

Applicant in lines 13-16 on page 4 of the specification defined a virtual digital telephone as the combination of a remote device and a remote telephone. The combination of a remote device and remote telephone taught by Bruno and Fenton therefore is a virtual digital telephone as defined by the applicant.

4. In regards to claim 3, Bruno and Fenton disclose a VPCN as in claim 1 wherein said remotely connected device is a web enabled device connected over the Internet (column 5 line 20; column 8 lines 18-20), said VPCN further comprising: a web server connected to said

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communications server and the Internet (figure 3.301; 3.306; column 8 lines 22-25, 36-37, 42-44, 57-63).

5. In regards to claim 4, Bruno and Fenton disclose a VPCN as in claim 3 wherein said web enabled device is a personal computer (PC) (column 5 line 20; column 8 lines 18-20).

6. In regards to claim 5, Bruno and Fenton disclose a VPCN as in claim 4 wherein said PC includes a modem connecting said PC to the Internet (column 5 line 20 indicates the PC is connected with a modem).

7. In regards to claim 6, Bruno and Fenton disclose a VPCN as in claim 1 wherein said communications server is a PBX server providing said digital telephone features, said digital telephone features comprising: a call connection processing feature; an incoming call indication feature. In order for a conference to be established the call must be connected. In order for the call to be connected there must be an indication and acknowledgment of an incoming call. Therefore call connection processing and incoming call indication must be inherent features.

Fenton discloses a PBX server in column 4 lines 65 and 66. Fenton discloses the features a device has access through by using the computer (remote device) in column 3 lines 20-46.

It would have been obvious to one of ordinary skill in the art to use a PBX server, as taught by Fenton, in the network taught by Bruno because doing so results in an improved conferencing system where users have full access to features but do not need the assistance of an operator, as taught in column 3 lines 47-60 of Fenton.

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8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. (US 6,020,915) in view of Fenton et al. (US 5,619,555) further in view of Weinstein et al. (US 2001/0026609).

9. In regards to claim 7, Bruno and Fenton disclose a VPCN as in claims 1 or 9, but not wherein said remotely connected device is a wireless access protocol (WAP) device connected over the Internet.

Weinstein discloses a WAP device connected to the Internet in paragraph 8 on page 1.

It would have been obvious to one of ordinary skill in the art to modify Bruno's remote call placement system to include WAP enable devices because doing so would eliminate the need for a computer to act as the remotely connected device. A computer, even a laptop model, is more cumbersome to carry around and more expensive. Therefore, one of ordinary skill in the art would find it obvious to use a smaller, less expensive device in remote and therefore mobile environments.

10. In regards to claim 8, Bruno, Fenton, and Weinstein disclose a VPCN as in claims 7 or 13 wherein said WAP is a personal digital assistant (PDA) with a wireless connection to the Internet. Paragraph 8 on page 1 discloses an Internet connected PDA. It does not explicitly disclose that the PDA uses WAP, but WAP was developed in order to connect PDAs to the Internet and therefore the PDA is inherently WAP-enabled.

Response to Arguments

11. Applicant's arguments filed 6/26/2007 have been fully considered but they are not persuasive.

f. Applicant first argues on page 8 that examiner makes an improper inherency claim in fourth paragraph of page 3 of the previous office action. Although the word “must” was used, it was not meant to invoke inherency. The statement was simply meant to be an assertion that the combination of Fenton and Bruno meets the definition of virtual telephone provided by the applicant.

g. Applicant second argues on pages 8 and 9 that the combination does not meet the definition of virtual telephone. A virtual telephone seems to have been defined in lines 13-16 on page 4 of the specification. There it is stated that a virtual telephone is simply a hybrid TAPI connection combined with a low speed voice connection, such as a landline. As put forth in the office action the teachings of Bruno and Fenton disclose a TAPI combined with a low speed connection. Although the virtual telephone of the applicant may or may not have additional operation and features not taught by the combination of Bruno and Fenton the combination still meets the basic definition set forth by the applicant.

h. Applicant third argues on page 9 that Bruno teaches an embodiment where the analog phone, fax machine, and PC connections are mutually exclusive and therefore Bruno teaches away from the invention. However, the very next passage of Bruno, column 8 lines 4-7 states that the preferable embodiment is one which combines the analog phone, fax, and PC. Therefore Bruno does not teach away.

i. Applicant fourth argues on page 10 that the combination cannot be considered a virtual phone because the telephones are not directly associated with the computers. However neither the claims nor the definition of virtual phone requires a direct

association. Fenton states in column 5 lines 4-12 that controlling commands are issued by the remote device and then passed to the remote telephones through the server. The telephones follow the commands issued by the remote device and are therefore associated with the remote device.

12. Applicant's arguments, see pages 10-12, filed 6/27/2007, with respect to claims 9-11, 13-16, and 20 have been fully considered and are persuasive. The rejection of claims 9-11, 13-16, and 20 has been withdrawn.

Allowable Subject Matter

13. Claims 9-11, 13-16, and 20-22 are allowed.

14. The following is a statement of reasons for the indication of allowable subject matter: The claims require the remote devices have access to all features of the server. Column 5 lines 17-24 of Bruno indicate the remote devices participate only in a reduced fashion. As applicant points out in page 11 of the response, Fenton does not remedy this lack.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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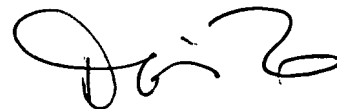
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Rose whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmr



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